

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **NOTICE OF MOTION FOR**
 : **JUDGMENT OF DEFAULT ON**
 - v. - : **FORFEITURE OF THE BOND**

ANEURY LUNA AMPARO, : 07 Cr. 1020 (DFE)
 a/k/a "Luis Rodriguez," :
 a/k/a "Aneuris Luna Amparo," :

Defendant. :

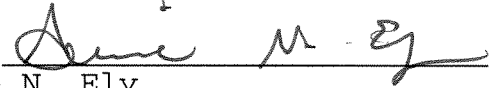
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PLEASE TAKE NOTICE that, upon the annexed declaration of Amie N. Ely, Assistant United States Attorney, dated May 29, 2008, and upon all papers and prior proceedings herein, the United States of America will move before the Honorable Douglas F. Eaton, United States Magistrate Judge for the Southern District of New York, for an order and a judgment of default pursuant to Rule 46(f) of the Federal Rules of Criminal Procedure of the \$25,000 appearance bond for ANEURY LUNA AMPARO, a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna Amparo," (the "defendant"), signed by the defendant and co-signed by Jelin Nunez, a/k/a Jelin Clara Elena Almonte. This motion will be on submission, unless the retained attorney, Manuel Portela, Jr., Esq., notifies the Court and the Government by June 2, 2008, that he would like an oral argument, in which case the oral argument will be June 10, at 10:00 a.m., in Courtroom 18A of the United States District Court, 500 Pearl Street, New York, New York,

If defense counsel wishes to file an opposition to this motion, he has until June 4, 2008, to do so.

Dated: New York, New York
May 29, 2008

MICHAEL J. GARCIA
United States Attorney

By: 
Amie N. Ely
Assistant United States Attorney
Tel.: (212) 637-2214

TO: Anuery Luna Amparo,
a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna Amparo,"
130 W. 183rd Street, Apt. 7A
Bronx, NY 10453
-and-
c/o Manuel Portela, Jr., Esq.
Portela Law Firm
350 Broadway, 10th Floor
New York, NY 10013

Jelin Nunez
3471 Wilson Avenue #3-C
Bronx, NY 10469
-and-
130 W. 183rd St. 7A
Bronx, NY 10453

Clerk of the United States District Court for the Southern
District of New York
United States Courthouse
500 Pearl Street
New York, 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	DECLARATION IN SUPPORT
	:	OF JUDGMENT OF DEFAULT
Plaintiff,	:	ON FORFEITURE OF THE BOND
- v. -	:	
	:	07 Cr. 1020 (DFE)
ANEURY LUNA AMPARO,	:	
a/k/a "Luis Rodriguez,"	:	
a/k/a "Aneuris Luna Amparo,"	:	
Defendant.	:	

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Amie N. Ely, pursuant to Title 28, United States Code, Section 1746, hereby declares the following under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, and am responsible for the above-captioned case. As such, I am fully familiar with the facts and proceedings therein.

2. This declaration is submitted in support of the Government's motion for an order and a judgment of default of the \$25,000 appearance bond for the defendant, ANEURY LUNA AMPARO, a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna Amparo," (the "defendant"), and signed by the defendant and co-signed by Jelin Nunez, a/k/a Jelin Clara Elena Almonte.

3. On or about July 25, 2007, the defendant was arrested and on a complaint charging him with lying about his identity to law enforcement officers in violation of Title 18, United States Code,

Section 1001(a); access device fraud in violation of Title 18, United States Code, Sections 1029(a)(7) and (c)(1); and aggravate access device fraud in violation of Title 18, United States Code, Sections 1029A(1) and (c)(4). Following the defendant's arrest, the Honorable Michael A. Dolinger detained the defendant. On September 20, 2007, the Honorable Theodore H. Katz set bail for the defendant in the amount of a \$25,000 personal recognizance bond, co-signed by Jelin Nunez, a/k/a Jelin Clara Elena Almonte. After the bond was signed, the defendant was released. A copy of the defendant's bond is attached hereto as Exhibit A.

4. On November 7, 2007, a misdemeanor information filed in the Southern District of New York charged the defendant with access device fraud in violation of Title 18, United States Code, Section 1029(a)(4) and (c)(1). A copy of that information is attached hereto as Exhibit B.

5. The defendant pleaded guilty on November 21, 2007 before Magistrate Judge Eaton. He was directed to appear for sentencing on February 29, 2008, at 10:00 a.m. in Magistrate Judge Eaton's courtroom.

6. Pretrial Services Officers Edward Santos sent a memorandum dated December 5, 2007, to Magistrate Judge Eaton, with copies to Assistant United States Attorney ("AUSA") Lee Renzin and defense counsel Manuel Portela, Jr., Esq. That memorandum advised that the defendant failed to report to

Pretrial Services on December 3, 2007. The memorandum also advised that the defendant's girlfriend, surety Jelin Nunez, a/k/a Jelin Clara Elena Almonte, told Pretrial Services that she had not heard from the defendant since December 2, 2007, and that he failed to appear at his immigration/ deportation hearing, which was also scheduled for December 3, 2007.

7. On December 6, 2007, Magistrate Judge Eaton issued a bench warrant for the arrest of the defendant. A copy of that warrant is attached hereto as Exhibit C.

8. In a letter dated January 15, 2008, AUSA Lee Renzin requested that Magistrate Judge Eaton maintain the February 29, 2008 sentencing date, of which the defendant had notice.

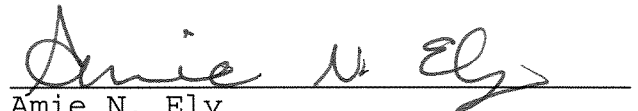
9. The defendant did not appear for his sentencing on February 29, 2008.

10. On May 8, 2008, an information was filed charging the defendant with failure to appear in violation of Title 18, United States Code, Section 3146. A copy of the indictment is attached hereto as Exhibit D.

11. A proposed Order of Forfeiture and Judgment is annexed hereto.

WHEREFORE, it is respectfully requested that the Court enter an Order and a Judgment of Forfeiture on the \$25,000 appearance bond for the defendant, signed by the defendant and co-signed by Jelin Nunez, a/k/a Jelin Clara Elena Almonte.

Dated: New York, New York
May 29, 2008


Amie N. Ely
Assistant United States Attorney
Southern District of New York
Telephone: (212) 637-2214

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	ORDER AND JUDGMENT OF
	:	FORFEITURE OF BAIL
- v -	:	
	:	07 Cr. 1020 (DFE)
ANEURY LUNA AMPARO,	:	
a/k/a "Luis Rodriguez,"	:	
a/k/a "Aneuris Luna Amparo,"	:	
Defendant.	:	

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This cause having been heard on the motion of Michael J. Garcia, United States Attorney for the Southern District of New York, by Amie N. Ely, Assistant United States Attorney,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the bail securing the release of defendant ANEURY LUNA AMPARO, a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna Amparo," be forfeited and that the United States of America have and recover judgment against defendant ANEURY LUNA AMPARO, a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna Amparo," and surety Jelin Nunez, a/k/a Jelin Clara Elena Almonte, jointly and severally, in the sum of \$25,000 and that the United States have execution therefor.

Dated: New York, New York
_____, 2008

The Honorable Douglas F. Eaton
United States Magistrate Judge

JUDGMENT ENTERED:

Clerk of the Court
Southern District of New York

CERTIFICATE OF SERVICE

AMIE N. ELY deposes and says:

1. That she is employed in the Office of the United States Attorney for the Southern District of New York.

2. That on May 29, 2008, she caused a copy of the foregoing Notice of Motion for Judgment of Default on Forfeiture of the Bond, and the Declaration in support thereof, to be served by Certified Mail on:

Anuery Luna Amparo,
a/k/a "Luis Rodriguez," a/k/a "Aneuris Luna
Amparo,"

130 W. 183rd Street, Apt. 7A
Bronx, NY 10453

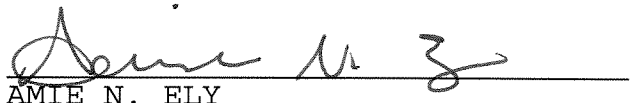
-and-

c/o Manuel Portela, Jr., Esq.
Portela Law Firm
350 Broadway, 10th Floor
New York, NY 10013

Jelin Nunez
3471 Wilson Avenue #3-C
Bronx, NY 10469
-and-
130 W. 183rd St. 7A
Bronx, NY 10453

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. Section 1746.

Dated: New York, New York
May 29, 2008



AMIE N. ELY
Assistant United States Attorney
Southern District of New York